

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

LUCIANO DE SOUZA,

Plaintiff,

v.

MICHAEL CHERTOFF, Secretary of U.S.
Department of Homeland Security, et al.,

Defendants.

Civil Action No. 05-10476-MEL

**ASSENTED TO MOTION OF DEFENDANTS
FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT**

Defendants respectfully request a further extension of time until and through August 12, 2005, to respond to Plaintiff's Complaint. Good cause exists for this request. A previous extension was granted to July 20, 2005. However, undersigned counsel has been out of the office and unable to file this extension request until recently. During the interim undersigned counsel and counsel for the Plaintiff have conferred to discuss Defendant's efforts to obtain information on the Plaintiff's Applications for Adjustment of Status from the Department of Homeland Security ("DHS"). Because of limited staff and the large volume Adjustment Applications being processed by the DHS, DHS is still in the process of determining the status of the Plaintiff's Adjustment Application and gathering the relevant records pertaining to that Application. When that process is completed an informed response can be provided by the Defendants, or the need for further litigation may be moot if the Application has or is about to be acted upon. Plaintiff's counsel has assented to this Motion.

This Motion is made in good faith and is not made to delay the action, or for any other improper purpose. Therefore, the Defendant's respectfully request that the Court grant this Motion and approve the proposed extension of time to respond up to and including August 12, 2005.

Respectfully submitted,

UNITED STATES OF AMERICA

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Anton P. Giedt 8/3/05
Anton P. Giedt
Assistant U.S. Attorneys
1 Courthouse Way
Boston, MA 02210
617-748-3309 (Voice)
617-748-3967 (Fax)
anton.giedt@usdoj.gov

LOCAL RULE 7.1(A)(2) CERTIFICATION

Undersigned counsel certifies that pursuant to the requirements under Local Rule 7.1(A)(2), he has conferred with Plaintiffs' counsel and that Plaintiff's counsel has assented to this motion.

/s/ Anton P. Giedt
Anton P. Giedt
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

Suffolk, ss.

Boston, Massachusetts
DATE: August 3, 2005

I, Anton P. Giedt, Assistant U.S. Attorney, do hereby certify that I have this day served a copy of the foregoing upon the Plaintiffs' counsel of record through electronic filing and by first class mail.

/s/ Anton P. Giedt
Anton P. Giedt
Assistant U.S. Attorney

PLAINTIFFS' COUNSEL:

Susan E. Zak
180 Canal Street, 4th Floor
P.O. Box 8788
Boston, MA 02114
617-723-4422 (Voice)
617-723-8305 (Fax)
szak@johnkdvorak.com

AGENCY COUNSEL:

Henry Hanley
DHS/ICE Office of Regional Counsel

